

**Los Angeles County Department of
Agricultural Commissioner/Weights and Measures**

:: News Bulletin ::

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CONTACT: Kurt E. Floren 626.575.5451

ENSURING GAS PUMP ACCURACY IN L.A. COUNTY

A recent local television news story questioned the adequacy and effectiveness of the regulation of retail gas pumps by the Los Angeles County Department of Agricultural Commissioner/Weights and Measures (ACWM). The report claimed that both the frequency of inspections and penalties levied for violations of gas pump accuracy requirements were inadequate. We feel that the report misconstrued some important facts.

Weights and measures programs, particularly regarding inspections of weighing and measuring devices, have been severely underfunded and understaffed for the past three decades. However, the story neglected the fact that, in 2005, the State Legislature passed Assembly Bill 889 which, beginning January 1, 2006, has already improved funding for the Los Angeles County program and has significantly increased inspections. From 2006 through 2008, registration fees paid by operators of such devices will increase to fund scale and meter inspection programs statewide. In 2008, county weights and measures agencies will finally have authority to establish fees sufficient to cover the costs of inspecting every scale and meter at least annually. County Sealers used the very arguments presented by the reporter to convince industry members and the legislature to properly fund these inspections which protect consumers and fair competition.

Within Los Angeles County, over 54,000 retail gasoline meters dispense fuel at over 1800 gasoline stations. Since the new funding levels were adopted by the Los Angeles County Board of Supervisors (effective January 1, 2006), fuel meter inspections in the first six months of 2006 have increased by 59% over the same period in 2006.

January-June 2005: 13,076 gasoline meters

January-June 2006: 20,806 gasoline meters

Enforcement Actions

The report's second claim, that fine levels are not severe enough to deter violations, is also off the mark. The specific violation addressed was meter "creep," a situation in which a dispenser's gallon and charge indications continue to advance after the nozzle trigger is released and no fuel is flowing. The report described a meter "continuing to roll on" and a visual image was shown of a meter running full speed in a normal delivery. In fact, "creep" is a very accurate term. Typically, a small leak within the dispenser system may cause a meter to record .001 gallon every ten seconds or so and may result in a cent or two loss to an individual customer who fails to promptly remove the nozzle and shut off the pump. While failure to maintain a pump and prevent such "creep" is unlawful, the result does not cause significant losses to the consumer nor profits to the gas station operator. The report further neglected to explain that, upon finding any such violation, the pump is immediately ordered out of service and use prohibited until repaired.

The report also focused on a \$100 fine level imposed for this violation of dispenser maintenance requirements. Overlooked was the fact that the noted station, having 12 such violations, was fined a total of \$1200 and any repeat violations found in a subsequent inspection will result in a minimum fine of \$250 for each pump, the maximum designated in State regulation.

Fines are imposed to discourage negligence and encourage compliance. These fines have had the desired effect. Gasoline dispensers in Los Angeles County have consistently proven to be among the most accurate of all commercially-used devices. Applicable compliance tolerances are very strict (one-half of one-percent at the highest level) and fewer than 1% of all gas pumps in use are found to exceed the accuracy tolerance. These impressive compliance statistics indicate that the regulatory program is highly effective in ensuring accuracy in retail fuel transactions.

It is unfortunate that the news report implied that consumers and fair competition are not being satisfactorily protected and that gas station owners are less than honest or conscientious when, in fact, the vast majority operate very accurate dispensers. The Los Angeles County Department of Agricultural Commissioner/Weights and Measures enjoys a reputation as one of the foremost Weights and Measures jurisdictions in California. Kurt Floren, Agricultural Commissioner/ Director of Weights and Measures, said, "Drivers may be confident that their gasoline transactions are accurate and protected by our strong inspection and enforcement program."